

CHAPTER 1302
Ohio Fire Code

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1302.01 ADOPTION.

There is hereby adopted by reference the 2011 Ohio Fire Code, together with Appendices B through G thereto, as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, and as published in Division 1301:7 of the Ohio Administrative Code.

1302.02 PURPOSE

The purpose of the Ohio Fire Code as adopted herein is to establish minimum standards and regulations for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations.

1302.03 APPLICATION

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the City.

1302.04 ENFORCEMENT

- (a) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.



- (b) A copy of such complaint or citation shall be prominently posted as prescribed in the Ohio Fire Code at or near each place a violation referred to in the complaint or citation occurs.
- (c) The Municipal Fire Chief, Assistant Fire Chief, and any certified Fire Prevention Inspector shall have the authority to issue a citation for any Ohio Fire Code violation of one is found upon inspection or investigation. The citation shall be issued with reasonable promptness in discovering the violation, shall be in writing, and shall describe with reasonable particularity the nature of the violation, including the particular State Code section which has been violated. The citation shall state a reasonable time for which the violator must remedy the violation. All copies of citations issued pursuant to this subsection must be forwarded to the Municipal Fire Chief. The Chief Prosecutor or designee shall prosecute all such violations in accordance with the Codified Ordinances.

1302.05 COMPLIANCE.

- (a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.
- (b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payments of the fees designated therefor.

1302.06 CONFLICT.

- (a) The rules of the Ohio Board of Building Standards including the Ohio Basic Building Code shall supersede and govern any order, standard or rule of the Department of Commerce, Division of State Fire Marshal including the Ohio Fire Code, in all cases where such orders, standards or rules are in conflict with the rules of the Ohio Board of Building Standards, except that rules adopted and orders issued by the State Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of conflict.
- (b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1302.07 COPIES.

A complete copy of the Ohio Fire Code is on file with the Clerk of Council of the City of Parma, Ohio for public inspection, and also on file in the County Law Library. The Clerk of Council of the City of Parma, Ohio has copies of the Ohio Fire Code and this Ordinance available for distribution to the public at cost.

1302.99 VIOLATION; PENALTIES.

(a) Criminal Penalties.

- (1) Whoever violates Section 1302.05(a) is guilty of a misdemeanor of the first degree.
- (2) Whoever violates Section 1302.05(b) is guilty of a minor misdemeanor.

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.
- (2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure of violation continues.
- (4) Any person who violates any of the posting requirements, as prescribed by Section 1302.04(b), shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.
- (5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.
- (6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.
- (7) Civil penalties imposed by this chapter shall be paid to the City Treasurer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.